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Remarks

Reconsideration of the above-captioned application is respectfully requested. The indicated allowability of Claim 8, which is now rewritten in independent form without the unnecessary "storing" limitation of Claim 1, is gratefully acknowledged.

Claims 1 and 3-5 have been rejected under 35 U.S.C. §102 as being anticipated by Henry, Jr. et al., USPN 5,603,084, Claims 11, 12, and 16-24 have been rejected as being anticipated by Burgaleta Salinas et al., USPN 6,469,998, and Claims 2, 6, 7, 9, 10, and 13-15 have been rejected under 35 U.S.C. §103 as being unpatentable over Henry, Jr. et al. in view of Nordman, USPN 6,061,346.

As now amended, the remaining independent claims (1 and 11) require initializing by sending, from the wireless module to an activation center, an ESN and a temporary address and receiving back a permanent address. In Claim 11, the activation center explicitly is a Web site.

In essence, these limitations have been rejected based on the combination of Henry and Nordman, but Applicant believes the rejection is overcome for the following reasons. The examiner has alleged that because providing a temporary IP address as taught in Nordman "can be" implemented in Henry, the combination is proper. However, Henry is not directed to Web-based activation, so there is no reason to incorporate the relied-upon feature of Nordman into it. Further, the mere fact that a reference can be modified does not render an invention obvious, unless the modification is suggested by the prior art. In re Mills, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed.Cir. 1990) (cited in MPEP §2143.01). Here, no reason exists in Henry for Nordman's temporary IP address, much less the particular data exchange (temporary address plus ESN in exchange for a permanent address) now set forth in various ways in Claims 1 and 11.


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The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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